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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSIAH D. JURICH,

Defendant.

Case No. 21-CR-106-SWS

MOTION FOR REVOCATION OF THE ORDER FOR DETENTION

Defendant Josiah D. Jurich, through his attorney, Assistant Federal Public Defender Jordan Deckenbach, moves this Court to revoke the Order for Detention issued by the Honorable Chief Magistrate Judge Kelly Rankin on September 24, 2021. (ECF No. 25). Mr. Jurich is a combat veteran who was the victim of an Improvised Explosive Device while serving in Iraq. Though he was seriously injured in this attack, he was able to heroically save the life a of a fellow Soldier who was also a victim of the attack. For his actions, Mr. Jurich received a Bronze Star and a Purple Heart. This incident also resulted in a traumatic brain injury (TBI) and post-traumatic stress disorder (PTS), two conditions that have greatly impacted his

mental health. Mr. Jurich now humbly comes to this Court seeking a revocation of the Order for Detention through its authority under 18 U.S.C. § 3145(b). Doing so will allow Mr. Jurich to receive critical care that is currently being withheld from him.

Mr. Jurich was arrested under a warrant issued on September 13, 2021. (ECF No. 11.) Mr. Jurich made his initial appearance before the court on September 14, 2021. The court established September 17, 2021 at 10:00 a.m. as the date for Mr. Jurich's arraignment and detention hearing. (ECF No. 9.) The undersigned counsel was subsequently appointed to represent Mr. Jurich and entered his appearance that same day. (ECF No. 10.)

Upon defense motion, the Court continued the detention hearing until September 24, 2021 in order to permit the undersigned counsel to explore a potential release plan. (EFC No. 14). Mr. Jurich was subsequently indicted, and the Government filed a Motion for Detention. (ECF No. 17 & 20).

Defense counsel was able to secure placement for Mr. Jurich at the Volunteers of America (VOA) veterans housing located in Sheridan, Wyoming. The release plan would include enrolling Mr. Jurich in mental health treatment at the Sheridan VA Medical Center that is one block from the VOA. The VOA and the VA in Sheridan have extensive experience treating veterans with PTSD and TBIs. As part of this release plan, the VOA and VA would coordinate care for Mr. Jurich while he lived in the VOA's therapeutic setting.

U.S. Probation vetted this release plan and on September 23, 2021 they filed an Addendum to the Bond Report that recommended Mr. Jurich be released to the VOA under specific conditions. (ECF No. 16).

At the contested detention hearing on September 24, 2021, the Government asked that the Court to hold Mr. Jurich in-custody so that a competency evaluation could be performed by the Bureau of Prisons (BOP). The Court considered Mr. Jurich's release plan to be adequate but felt it would be necessary to order an in-custody competency exam prior to considering the release of Mr. Jurich on bond. The Court then filed an Order for Detention. (EFC No. 25).

In the Court's Detention Order, it listed several factors in support of detention. *Id.* First, it stated that Mr. Jurich would be subject to a lengthy period of incarceration if convicted. *Id.* The Government has represented to counsel that it seeks to see Mr. Jurich get care for his mental health and is not seeking a lengthy term of incarceration if a conviction were to occur. By holding Mr. Jurich in-custody for a competency evaluation, it only will prolong his period of incarceration and will deny him the critical care that all parties agree he needs. The Government's intention not to seek a lengthy period of incarceration is a factor that cuts in favor of releasing Mr. Jurich

The Court also cited Mr. Jurich's prior criminal history as a reason to detain him. However, the Bond Report reflects that Mr. Jurich has no criminal history beyond the current charges he is facing. (ECF No. 13). This factor cuts in favor of releasing Mr. Jurich.

The Court also cited a lack of stable employment as a reason to detain Mr. Jurich. Mr. Jurich is medically retired and has a 100% VA disability rating. He receives \$4300 a month for his disability and does not need employment currently. Mr. Jurich instead needs mental health treatment which his disability income will allow him to pursue. A lengthy period of incarceration as he awaits an evaluation by the BOP will only result in him losing his disability income and delaying his needed treatment. This factor cuts in favor of releasing Mr. Jurich.

The Court also cited a lack of stable housing as a reason to detain Mr. Jurich. US Probation has verified Mr. Jurich's approved placement at the VOA's Freedom Hall in Sheridan, Wyoming. This is a robust housing option that will come with counselors, a VA advocate, a curfew and additional structure. This represents an incredibly stable housing situation for Mr. Jurich. This factor cuts in favor of releasing Mr. Jurich.

The Court cited a lack of financially responsible sureties as a reason to detain Mr. Jurich. Mr. Jurich currently owns a truck and receives disability income. There are several financial sureties the Court could consider when releasing Mr. Jurich on bond. This factor cuts in favor of releasing Mr. Jurich.

The Court cited a lack of significant community or family ties to this district as a reason to detain Mr. Jurich. Though Mr. Jurich is not from Wyoming, his recent incarceration has resulted in a community of Wyoming veterans that have rallied in his support. A group called Downrange Warriors¹ have specifically been in

¹ See Downrange Warriors website: <https://www.downrangewarriors.org/>

contact with Mr. Jurich and the undersigned counsel. They have housed Mr. Jurich's service dog, as well as assisted in arranging housing and treatment for Mr. Jurich. Mr. Jurich currently has a solid network of veteran support in Wyoming. These individuals are committed to seeing Mr. Jurich get healthy. This factor cuts in favor of releasing Mr. Jurich.

Ultimately the Court ordered Mr. Jurich be detained because of concerns for Mr. Jurich's mental health and competency. However, there is no authority under the Bail Reform Act that permits continued detention so a competency evaluation can be performed. The decision to detain Mr. Jurich so an in-custody competency evaluation can be performed will only delay the proceedings, as they have currently been taking upwards of 6 months for the defendant to be returned to the jurisdiction. Such a delay in care will also lead to additional harm to Mr. Jurich.

Mr. Jurich's current incarceration has degraded his mental health. Currently Mr. Jurich has not been able to access his supplements, hormones and a series of other medications prescribed to him for his TBIs. He also has not had access to VA counseling or mental health treatment. A prolonged period of bouncing from BOP to BOP facility without specialize mental health treatment will also exacerbate any competency issues that may be present.

The defense, in the alternative, asks the Court to revoke the detention order and adopt US Probation's suggested conditions of release. The defense will then arrange for an out of custody evaluation to occur concurrently with Mr. Jurich's mental health care. This evaluation will help inform the Court regarding any

competency issues, while allowing Mr. Jurich to receive the critical care he needs in a clinical setting. To hold Mr. Jurich in-custody pending the evaluation will only subject Mr. Jurich to a situation where his mental health will continue to deteriorate, and any competency issue will remain unresolved for the foreseeable future. Mr. Jurich deserves much better.

Accordingly, Mr. Jurich requests that the Court revoke the detention order through its authority under 18 U.S.C. § 3145(b). Mr. Jurich further requests that he be released under the conditions recommended by US Probation and any other conditions the Court sees fit.

DATED this 24th day of September 2021.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ Jordan Deckenbach

Jordan Deckenbach
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2021 the foregoing was electronically filed and consequently served on counsel of record.

/s/ Jordan Deckenbach

Jordan Deckenbach